

**FLEIT KAIN  
GIBBONS GUTMAN  
BONGINI & BIANCO P.L.**  
ATTORNEYS AT LAW

MIAMI - FORT LAUDERDALE - BOCA RATON

NOV 10 2004  
601 BRICKELL KEY DRIVE  
COURVOISIER CENTRE II SUITE 404  
MIAMI, FLORIDA 33131

TELEPHONE: (305) 416-4490  
FACSIMILE: (305) 416-4489  
EFAX: (305) 675-2789

MFL@FOCUSONIP.COM  
WWW.FOCUSONIP.COM

**TELECOPIER TRANSMISSION**

DATE: November 10, 2004

TOTAL NUMBER OF PAGES 3  
(INCLUDING THIS PAGE)

To: CENTRALIZED  
FAX NUMBER: (703) 872-9306

FROM: Martin Fleit

REFERENCE: USSN 09/807,099

IF YOU DO NOT RECEIVE ALL PAGES CLEARLY, PLEASE CONTACT US IMMEDIATELY

**MESSAGE:**

**PLEASE DELIVER THE FOLLOWING COMMUNICATION CONCERNING THE BELOW IDENTIFIED CASE**

In re application of: Binyamin PINKAS et al

Confirmation No.: 2969

Application No.: 09/807,099

Group Art Unit: 2135

Filed: April 9, 2001

Examiner: Son, Linh L.D.

For: HONESTY PRESERVING NEGOTIATION AND  
COMPUTATION

Attorney Docket No: 704-X00-047US

**1. PRELIMINARY RESPONSE TO OFFICE ACTION**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to:

Fax # (703) 872-9306

COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313

On November 10, 2004

**ANGELLA JOHNSON**

Name of Person Transmitting Facsimile

Signature of Person Transmitting Facsimile

**\*\*NOTE\*\*** The information contained in this facsimile message may be privileged or confidential information. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivery of it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is neither intended nor permissible. If you have received this communication in error, please immediately notify us by telephone at the above number (call collect), and return the original you receive to us at the above address via the U.S. postal service.

NOV 10 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application : 09/807,099  
Applicant : Binyamin Pinkas et al  
Confirmation : 2969  
Filed : April 9, 2001  
TC/A.U. : 2135  
Examiner : Son, Linh L D  
Docket No. : 704-X00-047US

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**PRELIMINARY RESPONSE TO OFFICE ACTION**

Sir:

In partial response to the Office Action mailed August 10, 2004 in connection with the above identified application, Applicants wish to bring to the Examiner's attention an apparent oversight in the Office Action that requires clarification. In the Notice of References Cited (PTO892), references C and E are identical, i.e. US-6,026,383 to Ausubel ("383 Patent") has been cited twice. This is believed to be an error since, in reviewing the substance of the Office Action, Applicants' representative noted that the Examiner has quoted or referred to specific passages of the '383 specification which do not actually exist. It appears to Applicants representative that perhaps a second patent issued to Ausubel which

Appln Serial No. 09/807,099  
Preliminary Response dated November 10, 2004

the Examiner intended to cite in addition to the '383 patent, however the number of this second patent is unknown to Applicants.

Under these circumstances, it is not currently possible to prepare a full and complete response to the outstanding Office Action until clarification of the above issue can be obtained. Applicants therefore request that the Examiner investigate the discrepancy described above, issue a corrected PTO-892 and reset the period for response.

If the Examiner believes that direct communication with Applicants' representative would clarify the above issues, she is invited to telephone the undersigned attorney.

Respectfully submitted,

*Martin Fleit by TK Zinsler Reg 27,988*

Martin Fleit, Reg. #16,900

Martin Fleit

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO

601 Brickell Key Drive Suite 404

Miami, Florida 33131

Tel: 305-416-4490; Fax: 305-416-4489

Email: MFleit@FocusOnIP.com